

## 46 Am. Jur. 2d Judges § 97

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### Judges

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### IX. Disqualification to Act in Particular Case

#### B. Grounds for Disqualification

#### 2. Interests as Grounds for Disqualification

##### b. Particular Interests as Grounds for Disqualification

##### (1) Pecuniary or Property Interest

## § 97. Disqualification of judge who is agent or employee

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  42

### A.L.R. Library

[Interest of judge in an official or representative capacity, or relationship of judge to one who is a party in an official or representative capacity, as disqualification, 10 A.L.R.2d 1307](#)

A judge who is an agent or employee of another, and whose duties as such relate to the subject matter of the case, is directly and pecuniarily interested therein and is for that reason disqualified to hear the case.<sup>1</sup> However, if a judge's duties as an agent or employee have no relation to the subject matter of the case, he or she is not disqualified.<sup>2</sup>

### Caution:

To avoid raising reasonable questions about their impartiality, judges must disqualify themselves from matters involving parties or attorneys with whom they have discussed future employment, both when discussions lead to a future relationship and when they do not.<sup>3</sup>

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#### Footnotes

- 1 [Woodward v. Pearson](#), 165 Or. 40, 103 P.2d 737 (1940).  
Where a judge became an undercover agent for federal law enforcement authorities in exchange for a promise that those authorities would make her cooperation known to any agency that chose to prosecute her for accepting a gift from a potential litigant, the judge's direct, personal, substantial, and pecuniary interests that warranted disqualification were that she faced potential prosecution by the same authorities that prosecuted the defendants in her courtroom every day. [In Interest of McFall](#), 533 Pa. 24, 617 A.2d 707 (1992).
- 2 [Board of Ed. of City of Detroit v. Getz](#), 321 Mich. 676, 33 N.W.2d 113 (1948).
- 3 [DeNike v. Cupo](#), 196 N.J. 502, 958 A.2d 446 (2008).

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